

REMARKS

Claims 1, 5, 15, 22 and 36-50 are pending in the present application. Claims 1, 36-39 and 45 are independent claims. Claims 1, 5, 15, 22, 36, 37, 38, 39, and 45 are amended. Claims 2-4, 6-14, 16-21, and 23-35 were previously cancelled.

Statement Under 37 C.F.R. 1.133(b)

The Applicant thanks the Examiner for the courtesy shown during the telephonic interview of September 1, 2009. During the interview, the Examiner suggested that the phrases "computer readable storage medium" and "computer readable medium" be changed to read "recording medium." The Examiner indicated that at least paragraphs [0020], [0021], and [0033] (as numbered by the U.S. patent application publication for the present application) provided support for the phrase "recording medium."

The Examiner further indicated that the currently cited references would be patentably distinguished if the independent claims were amended to include the phrase "wherein the real time navigation packets are transport packets."

Objections to the Specification

The specification is objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. The specification allegedly fails to provide antecedent basis for a "computer readable storage medium" in claim 1, and "computer readable medium" in claims 5, 15, and 22.

The Applicant respectfully disagrees. However, to forward prosecution, the Applicant has amended claims 5, 15, and 22 to remove the terms "computer readable storage medium" and "computer readable medium" and instead has inserted the term

“recording medium” as suggested by the Examiner in the interview mentioned above. For at least this reason, the Applicant respectfully requests that the objections to the specification be removed.

Claim Rejections – 35 U.S.C. §112, Second Paragraph

Claims 5, 15 and 22 are rejected under 35 U.S.C. §112, second paragraph, because they recite the limitation “computer-readable medium.” There is allegedly insufficient antecedent basis for this limitation. The Applicant respectfully disagrees with the Examiner that there is an insufficient antecedent basis for the term “computer readable medium.” However, to forward prosecution, claims 5, 15, and 22 have been amended to recite the term “the recording medium.” “Recording medium” is the term suggested by the Examiner in the above mentioned interview. As stated by the Examiner in the interview, this amendment obviates the rejections under 35 U.S.C. §112 of claims 5, 15, and 22. Therefore, claim 1 provides antecedent basis for this term in claims 5, 15, and 22. For at least this reason, the Applicant respectfully requests that the rejections under 35 U.S.C. §112, second paragraph, be removed.

Claim Rejections – 35 U.S.C. §101

Claims 1, 5, 15 and 22 are rejected under 35 U.S.C. §101 because the claims are allegedly directed to non-statutory subject matter. The Applicant respectfully traverses these rejections.

While the Applicant does not believe that the rejections under 35 U.S.C. §101 are proper, to forward prosecution the Applicant has amended the claims as suggested by the Examiner. As discussed above, the phrases “computer readable storage medium” and “computer readable medium” have been changed to read “recording

medium.” As indicated by the Examiner in the interview this amendment alleviates the Examiner’s concerns regarding his rejections under 35 U.S.C. §101. For at least this reason, the Applicant respectfully requests that the rejections under 35 U.S.C. §101 of claims 1, 5, 15, and 22 be removed.

Claim Rejections – 35 U.S.C. §103

Claims 1, 5, 15, 22 and 36-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 7,000,246 to Takao (“Takao”) in view of U.S. Patent 5,870,523 to Kikuchi et al. (“Kikuchi”) and further in view of U.S. Patent Publication 2004/0088739 to Shimoji et al. (“Shimoji”). The Applicant respectfully traverses this rejection.

While the Applicant considers the claims patentable for the reasons set forth in previously filed amendments, to forward prosecution the Applicant has amended independent claims 1, 36, 37, 38, 39, and 45 to include the phrase “wherein the real time navigation packets are transport packets.” This amendment was suggested by the Examiner during the interview conducted on September 1, 2009 and for the reasons discussed during the interview the amendment patentably distinguishes the cited references. For at least this reason, the Applicant respectfully requests the rejections under 35 U.S.C. §103(a) of claims 1, 5, 15, 22, and 36-50 be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 5, 15, 22 and 36-50 in connection with the present application is earnestly solicited.


Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a two (2) month extension of time for filing a reply to the April 27, 2009 Office Action, and submit the required \$490 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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